

MONTANA LEGISLATIVE HISTORY

Chapter 303 192005

Bill H \_\_\_\_\_ S 412 Original bill & history ☒ C

H. Committee on Business & Labor

S. Committee on Bus & Labor

Hearing Date(s) \_\_\_\_\_ C

Hearing Date(s) \_\_\_\_\_ C

3/21 \_\_\_\_\_ C

2/16 ☒ C

\_\_\_\_\_ C

2/17 ☒ C

\_\_\_\_\_ C

\_\_\_\_\_ C

Date Out 3/23 ☒ C

Did this bill originate in an interim committee? \_\_\_\_\_ Yes ☒ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

## LEGISLATIVE HISTORIES SINCE 1997

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# Montana Legislature

## Detailed Bill Information



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Session

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**Bill Draft Number:** LC0051

[Current Bill Text](#)

**Bill Type - Number:** SB 412

[Fiscal Note](#)

**Short Title:** Provide for regulation of elevator contractors, mechanics, and inspectors

**Primary Sponsor:** Vicki Cocchiarella

## Bill Actions - Current Bill Progress: Became Law

**Bill Action Count:** 59

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| Action - Most Recent First                               | Date       | Votes<br>Yes | Votes<br>No | Committee |
|----------------------------------------------------------|------------|--------------|-------------|-----------|
| Chapter Number Assigned                                  | 04/20/2005 |              |             |           |
| (S) Signed by Governor                                   | 04/19/2005 |              |             |           |
| (S) Transmitted to Governor                              | 04/16/2005 |              |             |           |
| (H) Signed by Speaker                                    | 04/15/2005 |              |             |           |
| (S) Signed by President                                  | 04/15/2005 |              |             |           |
| (C) Sent to Printing                                     | 04/15/2005 |              |             |           |
| (S) Returned from Enrolling                              | 04/14/2005 |              |             |           |
| (S) Sent to Enrolling                                    | 04/13/2005 |              |             |           |
| (S) 3rd Reading Passed as Amended by House               | 04/13/2005 | 38           | 12          |           |
| (S) Scheduled for 3rd Reading                            | 04/13/2005 |              |             |           |
| (S) 2nd Reading House Amendments Concurred on Voice Vote | 04/12/2005 | 50           | 0           |           |
| (S) Scheduled for 2nd Reading                            | 04/12/2005 |              |             |           |
| (H) Returned to Senate with Amendments                   | 04/11/2005 |              |             |           |
| (H) 3rd Reading Concurred                                | 04/11/2005 | 65           | 34          |           |
| (H) Scheduled for 3rd Reading                            | 04/11/2005 |              |             |           |
| (C) Sent to Printing                                     | 04/08/2005 |              |             |           |
| (H) 2nd Reading Concurred as Amended                     | 04/08/2005 | 66           | 32          |           |
|                                                          |            |              |             |           |

|                                                           |            |    |    |                                           |
|-----------------------------------------------------------|------------|----|----|-------------------------------------------|
| (H) 2nd Reading Motion to Amend Carried                   | 04/08/2005 | 95 | 4  |                                           |
| (H) Scheduled for 2nd Reading                             | 04/08/2005 |    |    |                                           |
| (C) Sent to Printing                                      | 03/24/2005 |    |    |                                           |
| (H) Committee Report--Bill Concurred as Amended           | 03/24/2005 |    |    | (H) Business and Labor                    |
| (H) Committee Executive Action--Bill Concurred as Amended | 03/23/2005 | 12 | 6  | (H) Business and Labor                    |
| (H) Hearing                                               | 03/21/2005 |    |    | (H) Business and Labor                    |
| (S) Revised Fiscal Note Printed                           | 03/16/2005 |    |    |                                           |
| (S) Revised Fiscal Note Signed                            | 03/15/2005 |    |    |                                           |
| (S) Revised Fiscal Note Received                          | 03/15/2005 |    |    |                                           |
| (H) Referred to Committee                                 | 03/07/2005 |    |    | (H) Business and Labor                    |
| (H) First Reading                                         | 03/07/2005 |    |    |                                           |
| (S) Transmitted to House                                  | 02/21/2005 |    |    |                                           |
| (S) 3rd Reading Passed                                    | 02/21/2005 | 40 | 10 |                                           |
| (S) Scheduled for 3rd Reading                             | 02/21/2005 |    |    |                                           |
| (S) 2nd Reading Passed on Voice Vote                      | 02/19/2005 | 45 | 5  |                                           |
| (S) Scheduled for 2nd Reading                             | 02/19/2005 |    |    |                                           |
| (C) Sent to Printing                                      | 02/18/2005 |    |    |                                           |
| (S) Committee Report--Bill Passed as Amended              | 02/17/2005 |    |    | (S) Business, Labor, and Economic Affairs |
| (S) Committee Executive Action--Bill Passed as Amended    | 02/17/2005 | 9  | 2  | (S) Business, Labor, and Economic Affairs |
| (S) Fiscal Note Printed                                   | 02/17/2005 |    |    |                                           |
| (S) Hearing                                               | 02/16/2005 |    |    | (S) Business, Labor, and Economic Affairs |
| (S) Fiscal Note Received                                  | 02/15/2005 |    |    |                                           |
| (S) Fiscal Note Requested                                 | 02/09/2005 |    |    |                                           |
| (S) Referred to Committee                                 | 02/09/2005 |    |    | (S) Business, Labor, and Economic Affairs |
| (S) First Reading                                         | 02/09/2005 |    |    |                                           |
| (C) Introduced Bill Text Available Electronically         | 02/08/2005 |    |    |                                           |
| (S) Introduced                                            | 02/08/2005 |    |    |                                           |
| (C) Draft Delivered to Requester                          | 02/08/2005 |    |    |                                           |
| (C) Draft Ready for Delivery                              | 02/08/2005 |    |    |                                           |
| (C) Draft in Assembly/Executive Director Review           | 02/07/2005 |    |    |                                           |
| (C) Draft in Final Drafter Review                         | 02/07/2005 |    |    |                                           |
| (C) Bill Draft Text Available                             | 02/05/2005 |    |    |                                           |

|                                          |            |  |  |  |
|------------------------------------------|------------|--|--|--|
| Electronically                           |            |  |  |  |
| (C) Draft in Input/Proofing              | 02/05/2005 |  |  |  |
| (C) Draft to Drafter - Edit Review [SAB] | 02/04/2005 |  |  |  |
| (C) Draft in Edit                        | 02/04/2005 |  |  |  |
| (C) Draft in Legal Review                | 01/26/2005 |  |  |  |
| (C) Draft to Requester for Review        | 01/21/2005 |  |  |  |
| (C) Draft On Hold                        | 01/07/2005 |  |  |  |
| (C) Draft to Requester for Review        | 12/20/2004 |  |  |  |
| (C) Draft On Hold                        | 10/29/2004 |  |  |  |
| (C) Draft to Requester for Review        | 09/20/2004 |  |  |  |
| (C) Draft Request Received               | 06/28/2004 |  |  |  |

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## Sponsor, etc.

| Sponsor, etc.   | Last Name/Organization | First Name | Mi |
|-----------------|------------------------|------------|----|
| Requester       | Cocchiarella           | Vicki      |    |
| Drafter         | Campbell               | Bart       |    |
| Primary Sponsor | Cocchiarella           | Vicki      |    |

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## Subjects

| Description                        | Revenue/Approp. | Vote Majority Req. | Subject Code |
|------------------------------------|-----------------|--------------------|--------------|
| Buildings and Building Regulations |                 | Simple             | BUI          |
| Safety (see also: Health)          |                 | Simple             | SAF          |
| Revenue, State                     | Revenue         | Simple             | REVS         |
| Revenue, Local                     | Revenue         | Simple             | REVL         |

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## Additional Bill Information

**Probable Fiscal Note:** Yes**Preintroduction Required:** N**Session Law Ch. Number:** 303**DEADLINE****Category:** Revenue Bills**Transmittal Date:** 04/04/2005**Return (with 2nd house amendments) Date:** 04/16/2005[| Top](#) | [Actions](#) | [Sponsor, etc.](#) | [Subjects](#) | [Add'l Bill Info](#) | [Eff. Dates](#) | [New Search](#) |

## Section Effective Dates

| Section(s)              | Effective Date | Date Qualified |
|-------------------------|----------------|----------------|
| Sections 1-22 and 24-26 | 01-OCT-05      |                |
| Section 23              | 01-JAN-06      |                |

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### SENATE BILL NO. 412

INTRODUCED BY COCCHIARELLA, BERGREN, GALLUS, GROESBECK, KEANE, LARSON, VILLA,  
CALLAHAN

AN ACT PROVIDING FOR THE LICENSURE AND REGULATION OF ELEVATOR CONTRACTORS, ELEVATOR MECHANICS, AND ELEVATOR INSPECTORS; PROVIDING THE DEPARTMENT OF LABOR AND INDUSTRY WITH RULEMAKING AUTHORITY; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE FOR A LIMITED MECHANIC'S LICENSE AND A LIMITED ELEVATOR CONTRACTOR'S LICENSE; PROVIDING FOR THE APPOINTMENT OF A LICENSED ELEVATOR MECHANIC TO THE BUILDING CODES COUNCIL; REGULATING THE DESIGN, CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REPAIR, INSPECTION, INSTALLATION, AND TESTING OF ELEVATORS, DUMBWAITERS, ESCALATORS, AND OTHER EQUIPMENT; AMENDING SECTION 50-60-115, MCA; REPEALING SECTIONS 50-60-701, 50-60-702, AND 50-60-703, MCA; AND PROVIDING EFFECTIVE DATES.

AN ACT PROVIDING FOR THE LICENSURE AND REGULATION OF ELEVATOR CONTRACTORS, ELEVATOR MECHANICS, AND ELEVATOR INSPECTORS; PROVIDING THE DEPARTMENT OF LABOR AND INDUSTRY WITH RULEMAKING AUTHORITY; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE FOR A LIMITED MECHANIC'S LICENSE AND A LIMITED ELEVATOR CONTRACTOR'S LICENSE; PROVIDING FOR THE APPOINTMENT OF A LICENSED ELEVATOR MECHANIC TO THE BUILDING CODES COUNCIL; REGULATING THE DESIGN, CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REPAIR, INSPECTION, INSTALLATION, AND TESTING OF ELEVATORS, DUMBWAITERS, ESCALATORS, AND OTHER EQUIPMENT; AMENDING SECTION 50-60-115, MCA; REPEALING SECTIONS 50-60-701, 50-60-702, AND 50-60-703, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Definitions.** Unless the context requires otherwise, in [sections 1 through 14], the following definitions apply:

(1) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(2) "Elevator contractor" means any person intending to engage in the business of installing, altering, or repairing elevators, escalators, dumbwaiters, or other equipment subject to the provisions of [sections 15 through 22].

(3) "Elevator inspector" means any person intending to engage in inspecting elevators, escalators, dumbwaiters, or other equipment subject to the provisions of [sections 15 through 22].

(4) "Elevator mechanic" means any person intending to engage in installing, altering, repairing, or testing elevators, escalators, dumbwaiters, or other equipment subject to the provisions of [sections 15 through 22].

**Section 2. Rulemaking -- records.** The department may adopt rules for the administration of [sections 1 through 14] and for the licensing and disciplining of elevator mechanics, elevator contractors, and elevator inspectors. The department shall adopt rules to provide for a limited mechanic's license and a limited elevator contractor's license.

**Section 3. License required.** (1) A person may not engage in the work of an elevator mechanic or elevator inspector or engage in the business of an elevator contractor unless the person has received a license from the department.

(2) A person who receives a license under the provisions of [sections 1 through 14] shall carry the license or proof of licensure at all times while working on a job site and performing work that requires a license. Acceptable proof of licensure must be determined by the department and be made known to each licensee when a license is issued.

(3) The department shall establish license fees and license renewal fees that are commensurate with the costs of administering the licensing provisions of [sections 1 through 14].

**Section 4. Apprenticeship allowed.** [Sections 1 through 14] do not prohibit a person from working as an apprentice with an elevator mechanic licensed under [sections 1 through 14] and under rules adopted by the department. The name and residence of each apprentice and the name and residence of the apprentice's employer must be filed with the department, and a record must be kept by the department showing the name and residence of each apprentice.

**Section 5. Elevator mechanic's license -- limited mechanic's license.** (1) A person intending to work as an elevator mechanic shall file a license application with the department on forms furnished by the department.

(2) Except as provided in subsection (3), an applicant shall furnish proof, under oath, that the person:



(a) has successfully completed a state-approved apprenticeship or other education program that meets requirements established by the department by rule; or

(b) has at least 3 years of experience, verified by current and previous employers, working with equipment subject to the provisions of [sections 15 through 22] and has passed the examination provided for in [section 6].

(3) The department shall adopt rules for the licensure, without examination, of an applicant who can demonstrate that the applicant has worked continuously as an elevator mechanic for the 3 years prior to [the effective date of this section] and has the requisite experience for licensure. An applicant under this section shall pay the required application fee and shall submit any required proof under oath.

(4) The department shall issue an elevator mechanic's license to an applicant that meets the requirements of this section.

(5) (a) The department may issue a limited mechanic's license to an applicant that authorizes a licensee to work only on platform lifts, stairway chairlifts, and dumbwaiters that are installed in private residences.

(b) The examination for a limited mechanic's license must be based on the applicable codes for the equipment that a licensee is authorized to install.

(c) The department shall issue a limited mechanic's license to an applicant that meets the requirements of this subsection (5).

**Section 6. Elevator mechanic's examination -- fee -- third parties -- reciprocity.** (1) The department shall, at least once a year, administer an examination to applicants meeting the requirements of [section 5(2)(b)]. The department shall determine the subjects, scope, and acceptable level of performance for the examination.

(2) The department shall determine by rule the fees to be charged an applicant for each examination and reexamination that the department administers. The fees must be commensurate with costs.

(3) An applicant for a license who has previously taken and failed the examination required by this section may retake it at any time within 2 years without again furnishing proof of compliance with [section 5(2)(b)].

(4) The department may issue a license to an individual holding a valid license from another state that the department determines has standards substantially equal to [sections 1 through 14] upon application and without examination.

**Section 7. Elevator inspector's license.** (1) A person intending to engage in work as an elevator inspector shall apply for a license as an elevator inspector on forms provided by the department.

(2) The department may not grant an applicant an elevator inspector's license unless the applicant demonstrates that the applicant meets the current national standards for the qualifications of elevator

inspectors. The department shall designate by rule the national standards that must be met by an applicant.

**Section 8. Elevator contractor's license -- limited elevator contractor's license.** (1) A person intending to engage in business as an elevator contractor shall apply for a license as an elevator contractor on forms provided by the department.

(2) An applicant shall provide the department with the following:

(a) if the applicant is an individual or sole proprietor, the name, residential address, and business address of the applicant;

(b) if the applicant is a domestic business entity, the name and business address of the business entity and the name and residential address of the business entity's principal officer;

(c) if the applicant is a foreign business entity, the name and address of a state resident authorized to accept service of process or other notices on the business entity's behalf;

(d) evidence of insurance coverage required in [section 21]; and

(e) other information that the department may require.

(3) The department shall issue an elevator contractor's license to an applicant that meets the requirements of this section.

(4) The department may issue a limited elevator contractor's license to an applicant that limits a licensee to the business of installing, altering, and repairing elevators, platform lifts, stairway chairlifts, and dumbwaiters in private residences. The department shall issue a limited elevator contractor's license to an applicant that meets the requirements of this section.

**Section 9. Temporary elevator mechanic's license.** (1) (a) If, in the case of an emergency or disaster as defined in 10-3-103, the department determines that the number of licensed elevator mechanics is insufficient to cope with the emergency or disaster, the department shall contact the licensed elevator contractors operating in the state and request that the elevator contractors certify to the department any persons in their employ who have an acceptable combination of education and experience to perform elevator work without direct supervision.

(b) As soon as practicable, the department shall issue to a person certified pursuant to subsection (1)(a) a temporary elevator mechanic's license. The department may not charge a fee for a license issued under this section.

(c) The license may not be valid for more than 30 days. However, the department may renew the license for 30-day periods in the case of a continuing emergency or disaster.

(d) The department may limit a person's temporary license to certain equipment or to certain geographical

areas.

(2) (a) An elevator contractor shall inform the department if there are not any licensed elevator mechanics available to perform elevator work on behalf of the elevator contractor.

(b) The elevator contractor may submit a list to the department of any persons that the elevator contractor certifies have an acceptable combination of documented education and experience to perform the work of an elevator mechanic without direct supervision.

(c) The department shall issue a temporary elevator mechanic's license to any person, certified by an elevator contractor, who applies for a license to the department on a form supplied by the department. The department may charge a fee for a temporary license issued under this subsection that is commensurate with the department's costs in administering this subsection (2).

(d) A temporary license issued under this subsection (2) is valid for a period of 30 days, and the department shall renew the license for additional 30-day periods as long as the shortage of licensed elevator mechanics exists and the licensee is employed by the certifying elevator contractor. However, the department may refuse to renew a temporary license for any temporary licensee that the department determines has had an adequate opportunity to obtain a license under the provisions of [sections 5 and 6].

**Section 10. License renewal -- continuing education.** (1) (a) All licenses issued under [sections 1 through 14] expire on a date set by department rule.

(b) A licensee may renew a license by filing an application with the department on a form provided by the department and by paying a renewal fee in an amount established by the department by rule.

(2) The department shall establish by rule continuing education requirements for persons licensed as elevator mechanics or elevator inspectors. The department may not require less than 8 hours of continuing education for each license term. The continuing education requirement must be met by the licensee taking all of the required hours of continuing education in the year prior to the expiration of the license. The rules must include requirements for instructor certification, course content, and recordkeeping.

(3) The department shall issue a renewal license to applicants who meet the requirements of this section.

**Section 11. Reasonable fees -- deposit of fees and fines.** (1) All fees established by the department under [sections 1 through 14] must be commensurate with the respective program costs. Fees collected by the department under [sections 1 through 14] must be deposited in an account in the state special revenue fund for the use of the program.

(2) Fines collected under [sections 1 through 14] must be deposited in the state general fund.

**Section 12. Proof of license.** (1) An employee of a private or public employment agency or labor union, a building code compliance inspector, an employee of the department, a person who is professionally responsible for a job site, or a licensed elevator mechanic or licensed elevator inspector has the right to ask a person doing work at a job site that requires an elevator mechanic's license to provide proof of licensure. If the person performing the work is unable to furnish proof of licensure, the requesting person may report that fact to the department.

(2) An employee of the department may issue a citation to and collect a fine, as provided in [section 13], from a person at a job site where the person is performing elevator mechanic work if the person fails to display an elevator mechanic's license or proof of licensure at the request of the department inspector.

**Section 13. Failure to display license.** (1) A citation issued by an employee of the department for failure to display an elevator mechanic's license or proof of licensure must include:

- (a) the time and date on which the citation is issued;
- (b) the name, residential address, and signature of the person to whom the citation is issued;
- (c) reference to the statutory authority to issue the citation;
- (d) the name, title, affiliation, and signature of the person issuing the citation;
- (e) information explaining the procedure for the person to follow in order to pay the fine or to demonstrate proof of licensure; and
- (f) the amount of the applicable fine.

(2) The applicable civil fines for failing to display a license or proof of licensure are as follows:

- (a) \$100 for the first offense;
- (b) \$250 for the second offense; and
- (c) \$500 for the third and any subsequent offense.

(3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible for determining, by means of an up-to-date list or through telephone or other communication with the department, whether the citation being issued is for a first, second, or subsequent offense.

(4) The person who issues the citation is authorized to collect the fine, but the person who is issued a citation may pay the fine to the appropriate authority identified on the citation within 5 business days of the date of issuance. The department may waive or refund the fine upon finding that the person has demonstrated acceptable proof of licensure.

(5) A person who refuses to sign and accept a citation is subject to the civil penalty provided for in 37-1-318.

**Section 14. Penalty.** (1) Except as provided in subsection (4), a person or corporation knowingly violating

any provision of [sections 1 through 14] shall upon conviction of a violation:

(a) if the violator is a person, be punished by a fine of not more than \$500, by imprisonment for a term not to exceed 6 months, by revocation of the license, or by any combination of the fine, imprisonment, and revocation, in the discretion of the court; and

(b) if the violator is a corporation, be punished by a fine of not more than \$1,000.

(2) Any officer or agent of a corporation or member or agent of a partnership or association who personally and knowingly participates in or is an accessory to any violation of [sections 1 through 14] by the partnership, association, or corporation is subject to the penalties prescribed for individuals.

(3) A violation of [sections 1 through 14] is a continuing violation, and the statute of limitations is tolled until the violation ceases. The county attorney shall, upon request of the department, prosecute any violation of the licensing requirements of [sections 1 through 14].

(4) A person who violates the provisions of [section 13] is not subject to an additional penalty under this section.

**Section 15. Scope.** (1) [Sections 15 through 22] cover the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of the following equipment, associated parts, and hoistways:

(a) hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings, including but not limited to:

(i) elevators; and

(ii) platform lifts and stairway chair lifts;

(b) power driven stairways and walkways for carrying persons between landings, including but not limited to:

(i) escalators; and

(ii) moving walks;

(c) hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car, including but not limited to:

(i) dumbwaiters; and

(ii) material lifts and dumbwaiters with automatic transfer devices; and

(d) automatic guided transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(2) The department shall adopt rules designating equipment that is not subject to the provisions of [sections 15 through 22], including but not limited to certain types of:

(a) personnel hoists;

- (b) material hoists;
  - (c) manlifts;
  - (d) mobile scaffolds, towers, and platforms;
  - (e) powered platforms and equipment for exterior and interior maintenance;
  - (f) conveyors and related equipment;
  - (g) cranes, derricks, hoists, hooks, jacks and slings;
  - (h) industrial trucks;
  - (i) portable equipment, except for portable escalators that are covered by [sections 15 through 22];
  - (j) tiering or piling machines used to move materials to and from storage that are located and operating entirely within one story;
  - (k) equipment for feeding or positioning materials at machine tools, printing presses, and similar locations;
  - (l) furnace hoists;
  - (m) railroad car lifts or dumpers; and
  - (n) moving platforms and similar equipment used by an elevator contractor for installing an elevator.
- (3) [Sections 15 through 22] do not apply to private residences or farm and ranch operations.

**Section 16. Authority of department -- rulemaking.** (1) The department may consult with engineering authorities and organizations concerned with safety codes, rules, and regulations governing the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of elevators, dumbwaiters, escalators, and other equipment subject to the provisions of [sections 15 through 22].

(2) (a) The department shall adopt rules relating to the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of elevators, dumbwaiters, escalators, and other equipment subject to the provisions of [sections 15 through 22].

(b) The department may adopt by reference national standards for equipment subject to the provisions of [sections 15 through 22], including national safety codes for elevators and escalators, safety standards for platform lifts and stairway chairs, safety codes for existing elevators and escalators, and standards for automated people movers.

(3) The department may modify or grant exceptions to any provision of [sections 15 through 22] or any rule or standard adopted pursuant to [sections 15 through 22] if to do so would not jeopardize the public safety or welfare.

**Section 17. Registration of elevators and other conveyances.** (1) Within 6 months of [the effective date of this section], the owners or lessees of existing elevators, dumbwaiters, escalators, or other equipment subject

to the provisions of [sections 15 through 22] shall register the equipment with the department on a form provided by the department unless the equipment was previously registered with the department.

(2) The registration form must contain the type, load and speed, name of manufacturer, location, use, and any other information the department may require for each elevator, dumbwaiter, escalator, or other equipment subject to the provisions of [sections 15 through 22] that is registered pursuant to this section.

(3) Each elevator, dumbwaiter, escalator, or other equipment subject to the provisions of [sections 15 through 22] whose construction is completed subsequent to the 6-month period referred to in subsection (1) must be registered by the owner or lessee when the construction is complete.

**Section 18. Permits.** (1) (a) An elevator contractor may not erect, construct, install, or alter an elevator, dumbwaiter, escalator, or other equipment subject to the provisions of [sections 15 through 22] unless the elevator contractor has obtained a permit from the department and paid the requisite permit fees.

(b) Only a licensed elevator contractor may perform the work described in subsection (1)(a).

(2) Each permit application must be accompanied by copies of specifications and accurately scaled and fully dimensioned plans that:

- (a) show the location of the installation in relation to the plans and elevation of the building;
- (b) show the location of the machinery room and the equipment to be installed, relocated, or altered;
- (c) show all structural supporting members, including foundations;
- (d) specify all materials to be employed and all loads to be supported or conveyed; and
- (e) are sufficiently complete to illustrate all details of construction and design.

(3) The department may by rule establish criteria for revoking a permit, including but not limited to materially false statements or misrepresentations made in conjunction with a permit application, an elevator contractor's failure to perform in accordance with the specifications or plans submitted with the application or with conditions of the permit, or the elevator contractor's failure to comply with a department stop-work order.

(4) A permit issued under this section expires:

- (a) 6 months from the date of its issuance unless the permit specifies a shorter expiration period; or
- (b) if an elevator contractor suspends or abandons work covered by a permit for 60 days unless the permit specifies a shorter expiration period for suspension or abandonment.

**Section 19. Inspections -- fees -- exception.** (1) Except as provided in subsection (2), all elevators, escalators, dumbwaiters, or other equipment subject to the provisions of [sections 15 through 22], including freight elevators, must be inspected by the department to ensure compliance with the requirements of the applicable building code and [sections 15 through 22]. The department shall establish and charge a reasonable

fee based on the type of equipment being inspected that may not exceed the expense of providing the inspection. Inspections must be made on an annual basis, except that freight elevator inspections must be conducted every 2 years.

(2) (a) In lieu of an inspection by the department, inspections of equipment provided for in subsection (1) may be made by a licensed elevator inspector.

(b) When an inspection is made by an elevator inspector, a copy of the condition report must be provided to the owner and a copy must be sent to the department. The department may not charge more than \$10 for receiving and processing a condition report for each individual piece of equipment in a building and for issuing a certificate of inspection for the piece of equipment if the licensed elevator inspector doing the inspection certifies to the department that there are not any deficient conditions or that all deficient conditions noted in the condition report have been corrected and that a followup inspection by the department is not necessary.

(3) It is the responsibility of the owner or lessee of equipment subject to the provisions of this section to ensure compliance with any inspection requirements.

**Section 20. Testing.** (1) The department shall establish by rule requirements for periodic testing of elevators, escalators, dumbwaiters, and other equipment subject to the provisions of [sections 15 through 22]. It is the responsibility of the owners or lessees of equipment subject to the provisions of this section to ensure compliance with any testing requirements.

(2) An owner or lessee shall obtain the services of a licensed elevator contractor for testing and all tests must be conducted by a licensed elevator mechanic.

**Section 21. Insurance requirements.** (1) Each licensed elevator contractor and licensed elevator inspector shall provide the department with a certified copy of an insurance policy issued by an insurance company authorized to do business in this state that provides at least \$1 million coverage for injury or death for any number of persons in any single occurrence and \$500,000 for property damage in any single occurrence.

(2) A licensed elevator contractor or licensed elevator inspector shall notify the department of any material policy alteration or policy cancellation within 10 days of receiving notice of the alteration or cancellation.

**Section 22. Violation a misdemeanor -- injunction.** (1) Any person taking part or assisting in the design, construction, alteration, operation, maintenance, repair, inspection, installation, or testing of elevators, escalators, dumbwaiters, or other equipment subject to the provisions of [sections 15 through 22] who knowingly violates any provision of [sections 15 through 22], the applicable building code, or any lawful order of a state, county, or municipal building official is guilty of a misdemeanor.



(2) A violation described in subsection (1) may be enjoined by a district court judge in the judicial district where the violation occurs.

(3) Subsection (2) is governed by the Montana Rules of Civil Procedure.

**Section 23.** Section 50-60-115, MCA, is amended to read:

**"50-60-115. Building codes council -- purpose and structure.** (1) There is a building codes council for the purpose of assisting the department with the application, implementation, and interpretation of the state building code and building codes adopted by counties, cities, or towns. The council shall work cooperatively with the department and with representatives of the construction industry, as well as members of the interested public, to harmonize building codes and related rules with both the needs of the construction industry and the public interest in efficiency, cost-effectiveness, and safety.

(2) The council consists of ~~44~~ 12 members appointed by the governor, unless otherwise specified, as follows:

- (a) a practicing architect licensed in Montana;
- (b) a practicing professional engineer licensed in Montana;
- (c) a representative from the building contractor industry;
- (d) a county, city, or town building inspector;
- (e) a representative of the manufactured housing industry;
- (f) a member of the general public who does not hold public office and who does not represent the same industry or agency as another council member;
- (g) the director of the department of health and human services or the director's designee;
- (h) a licensed electrician selected by the board of electricians;
- (i) a licensed plumber selected by the board of plumbers;
- (j) a licensed elevator mechanic selected by the department;
- ~~(k)~~ (k) the state fire marshal or the fire marshal's designee; and
- ~~(l)~~ (l) a representative of the home building industry.

(3) The appointed council members serve at the pleasure of the governor for terms of 3 years.

(4) The council is allocated to the department for administrative purposes only as provided in 2-15-121.

(5) The council and its members are entitled to compensation as provided in 2-15-122."

**Section 24. Repealer.** Sections 50-60-701, 50-60-702, and 50-60-703, MCA, are repealed.

**Section 25. Codification instruction.** (1) [Sections 1 through 14] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 through 14].

(2) [Sections 15 through 22] are intended to be codified as an integral part of Title 50, chapter 60, and the provisions of Title 50, chapter 60, apply to [sections 15 through 22].

**Section 26. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2005.

(2) [Section 23] is effective January 1, 2006.

- END -

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**Latest Version of SB 412 (SB0412.ENR)**

Processed for the Web on April 16, 2005 (10:13am)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

[Status of this Bill](#) | [2005 Legislature](#) | [Leg. Branch Home](#)

[This bill in WP 5.1](#) | [All versions of all bills \(WP 5.1 format\)](#)

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Prepared by Montana Legislative Services

(406) 444-3064

# FISCAL NOTE

**Bill #:** SB0412 **Title:** Provide for regulation of elevator contractors, mechanics, and inspectors

**Primary Sponsor:** Cocchiarella, V **Status:** As Amended in Senate Committee

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|                   |      |                             |      |
|-------------------|------|-----------------------------|------|
| Sponsor signature | Date | David Ewer, Budget Director | Date |
|-------------------|------|-----------------------------|------|

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## Fiscal Summary

|                                            | <b><u>FY 2006<br/>Difference</u></b> | <b><u>FY 2007<br/>Difference</u></b> |
|--------------------------------------------|--------------------------------------|--------------------------------------|
| <b>Expenditures:</b>                       |                                      |                                      |
| General Fund                               | \$0                                  | \$0                                  |
| State Special Revenue                      | \$75,240                             | \$10,150                             |
| <b>Revenue:</b>                            |                                      |                                      |
| General Fund                               | \$0                                  | \$0                                  |
| State Special Revenue                      | \$54,270                             | \$45,570                             |
| <b>Net Impact on General Fund Balance:</b> | \$0                                  | \$0                                  |

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|                                                           |                                                                  |
|-----------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov. Impact    | <input type="checkbox"/> Technical Concerns                      |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           |
| <input type="checkbox"/> Dedicated Revenue Form Attached  | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

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## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Labor and Industry**

1. SB 412 establishes licensure and regulation of elevator contractors, mechanics, and inspectors.
2. The department would adopt administrative rules associated with SB 412. Publishing and printing costs associated with adoption of administrative rules are estimated at \$988 (18 MAR pages X \$40, and \$268 printing and mailing costs) in FY 2006.
3. Development of applications and renewal forms, printing costs, website updating and development, and database updating costs are estimated at \$3,000 in FY 2006.
4. Supplies, communications, indirect overhead charges and other office expenditures are estimated at \$10,150 each year of the 2007 biennium.

#### **Department of Labor and Industry - Licensing**

5. The department is unable to obtain data on the number of prospective licensees. For purposes of this fiscal note, the department is using data from previous legislation to determine estimated number of licensees.

**Fiscal Note Request SB0412, As Amended in Senate Committee**  
(continued)

6. The department assumes all licenses would be renewed on a 2-year cycle. As a result, revenues received in FY 2006 must fund the program until the FY 2008 renewal period.
7. The department estimates it would issue 40 new mechanic licenses (\$150 each), five temporary permits (\$50 each), 15 new contractor licenses (\$150 each), and 10 new inspector licenses (\$150 each) in FY 2006, generating \$10,000 revenue.
8. The department estimates it will issue five mechanic licenses, five temporary permits, one contractor license, and one inspector license in FY 2007, generating \$1,300 revenue.

**Department of Labor and Industry - Inspections**

9. The department estimates it would inspect and issue certificates for 400 freight elevators (\$100 each), 46 dumbwaiters (\$70 each), and 15 material lifts (\$70 each), in each year of the biennium, generating \$44,270 revenue. Inspector workload associated with the inspections would be absorbed by the department.
10. The elevator inspection program has operated at a deficit for several years. The deficit as of June 30, 2004 was \$30,551. The department estimates the FY 2005 deficit at the same level as FY 2004. Revenues generated under SB 412 will resolve the deficit and allow the inspection program to operate fully funded.

**FISCAL IMPACT:**

**Department of Labor and Industry**

|                                                                            | <u>FY 2006<br/>Difference</u> | <u>FY 2007<br/>Difference</u> |
|----------------------------------------------------------------------------|-------------------------------|-------------------------------|
| <u>Expenditures:</u>                                                       |                               |                               |
| Operating Expenses                                                         | 14,138                        | 10,150                        |
| Inspection program deficit FY 2004                                         | 30,551                        | 0                             |
| Inspection program deficit FY 2005                                         | <u>30,551</u>                 | <u>0</u>                      |
| TOTAL                                                                      | \$75,240                      | \$10,150                      |
| <u>Funding of Expenditures:</u>                                            |                               |                               |
| State Special Revenue (02)                                                 | \$75,240                      | \$10,150                      |
| <u>Revenues:</u>                                                           |                               |                               |
| State Special Revenue (02)                                                 | \$54,270                      | \$45,570                      |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> |                               |                               |
| State Special Revenue (02)                                                 | (\$20,970)                    | \$35,420                      |

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 16, 2005 at 8:00 A.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Duane Grimes (R)  
Sen. Dave Lewis (R)  
Sen. Glenn Roush (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

##### **Members Excused:**

Sen. Jon Tester (D)

**Members Absent:** None.

**Staff Present:** Annie Glover, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 439, 2/11/2005; SB 411,  
2/11/2005; SB 388, 2/11/2005; SB  
349, 2/11/2005; SB 412, 2/11/2005  
Executive Action: SB 411, SB 192

02:23:16 Mr. Mark Tellvik, Hertz Rental Car  
02:23:38 Mr. Joe Taylor, Dollar Rent-a-Car  
02:27:33 Ms. Candace Payne, Montana Rental Car Association

Opponents' Testimony:

02:27:59 Ms. Jacqueline Lenmark, American Insurance  
Association, and on behalf of Mr. Jon Metropoulos,  
Farmer's Insurance Group  
02:33:41 Mr. Rob Ward, Vice President, Enterprise  
02:38:13 Mr. Larry Kibbee, Property Casualty Insurance  
Association of America  
02:41:04 Mr. Greg Van Horssen, State Farm

Informational Testimony: None.

Questions from Committee Members and Responses: None.

02:42:45

Closing by Sponsor:

02:49:52

HEARING ON SB 412

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on SB 412, Provide for regulation of elevator contractors, mechanics, and inspectors.

Proponents' Testimony:

02:50:19 Mr. Dennis Martin, Kone Elevator Company  
02:53:31 Mr. Ron Driver, Kone Elevator Company  
02:55:35 Ms. Jacqueline Lenmark, American Insurance  
Association  
02:56:42 Mr. Charlie Val, International Union of Elevator  
Constructors

EXHIBIT(bus38a07)

EXHIBIT(bus38a08)

03:02:30 Mr. Greg Rogers, Elevator Industry Work  
Preservation Fund, National Association of  
Vertical Transportation

EXHIBIT(bus38a09)

03:07:39 Mr. Bill Beam, Retired Elevator State Inspector  
03:11:48 Ms. Patricia Cregan, Elevator Mechanic

Opponents' Testimony: None.

Informational Testimony:

03:09:30 Mr. Jim Brown, Business Standards Division,  
Department of Labor and Industry

03:10:31

Questions from Committee Members and Responses:

03:17:27

Closing by Sponsor:

03:20:52

EXECUTIVE ACTION ON SB 411

Motion: SEN. TROPILA moved that SB 411 DO PASS.

Discussion:

Vote: Motion carried unanimously by voice vote.  
SEN. COCCHIARELLA proxied for SEN. TESTER.

03:22:39

EXECUTIVE ACTION ON SB 192

Discussion:

EXHIBIT(bus38a10)

Motion: SEN. LEWIS moved that SB 192 DO PASS.

Motion: SEN. LEWIS moved that SB 192 BE AMENDED WITH  
SB019201.APM.

Discussion:

Vote: Motion carried 10-1 by voice vote with SEN. SMITH voting  
no.

Motion/Vote: SEN. LEWIS moved that SB 192 DO PASS AS AMENDED.

Motion failed 5-6 by roll call vote with SEN. BALYEAT, SEN.  
GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN. TASH voting aye.

Motion/Vote: SEN. COCCHIARELLA moved that SB 192 BE TABLED AND  
THE VOTE REVERSED. Motion carried 6-5 by voice vote with SEN.

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 17, 2005 at 7:30 A.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Duane Grimes (R)  
Sen. Dave Lewis (R)  
Sen. Glenn Roush (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

##### **Members Excused:**

Sen. Jon Tester (D)

**Members Absent:** None.

**Staff Present:** Annie Glover, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 481, 2/14/2005; SB 12,  
2/14/2005; SB 466, 2/14/2005; SB  
434, 2/14/2005; SB 444, 2/14/2005  
Executive Action: SB 412, SB 439, SB 388, SB 466, SB  
434, SB 349, SB 12



00:00:00

EXECUTIVE ACTION ON SB 412

Motion: SEN. SQUIRES moved that SB 412 DO PASS.

Discussion:

Motion: SEN. COCCHIARELLA moved that SB 412 BE AMENDED WITH SB041201.APM.

Discussion:

EXHIBIT(bus39a01)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. SQUIRES moved that SB 412 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried 9-2 by roll call vote with SEN. BALLYEAT and SEN. STEINBEISSER voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

00:06:39

EXECUTIVE ACTION ON SB 439

Motion: SEN. GRIMES moved that SB 439 DO PASS.

Motion: SEN. GRIMES moved that SB 439 BE AMENDED WITH SB043901.APM.

Discussion:

EXHIBIT(bus39a02)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. GRIMES moved that SB 439 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried 6-5 with SEN. BALLYEAT, SEN. GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN. TASH voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JIM KEANE**, on March 21, 2005 at 9:30 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Keane, Chairman (D)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Joe McKenney, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Bob Bergren (D)  
Rep. Tim Dowell (D)  
Rep. Kevin T. Furey (D)  
Rep. Dave Gallik (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Harry Klock (R)  
Rep. Scott Mendenhall (R)  
Rep. Mike Milburn (R)  
Rep. Don Roberts (R)  
Rep. Wayne Stahl (R)  
Rep. Dan Villa (D)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Kyanne Kelly, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 383, 3/16/2005; SB 412,  
3/16/2005; SB 451, 3/16/2005  
Executive Action: SB 451, SB 375

**HEARING ON SB 451**

**Opening Statement by Sponsor:**

SEN. MIKE WHEAT (D), SD 32, opened the hearing on **SB 451**, Revise speech-language and audiologists licensing laws.  
00:02:34

**Proponents' Testimony:**

00:05:24 Darrell Micken, Audiologist from Bozeman  
00:08:48 Laura Jo McKamey, Speech and Hearing Association  
00:10:48 Nanette Smith, Speech and Hearing Association  
00:11:28 Gloria Hermanson, Society of Ear, Nose and Throat

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:13:02

**Closing by Sponsor:**

00:21:25

**HEARING ON SB 383**

**Opening Statement by Sponsor:**

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on **SB 383**, Stipend for speech-language pathologist teachers.  
00:22:36

**Proponents' Testimony:**

00:25:57 Janice Nugent, Speech and Language Therapist  
00:28:41 Laura McKamey, Speech and Hearing Association

**EXHIBIT (buh62a01)**

00:30:42 Elaine Spino, Speech Language Therapist  
00:32:01 Eric Burke, MEA-MFT  
00:33:41 Jim Smith, Speech Language and Hearing Association

**Opponents' Testimony:** None

Informational Testimony: None

Questions from Committee Members and Responses:

00:37:43

Closing by Sponsor:

00:59:02

HEARING ON SB 412

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on SB 412, Provide for regulation of elevator contractors, mechanics, and inspectors.

01:00:08

EXHIBIT(buh62a02)

Proponents' Testimony:

|          |                                             |
|----------|---------------------------------------------|
| 01:02:44 | Gregg Rogers, National Elevator Industry    |
| 01:06:59 | Charles Val, Union Local 19                 |
| 01:09:13 | J.D. Lynch, Elevator Work Preservation Fund |
| 01:12:08 | Rod Driver, Elevator Worker Union Local 19  |
| 01:14:02 | Patricia Cregan, Excel Elevator, Inc.       |
| 01:17:00 | Dick Strandlof, Self                        |
| 01:19:32 | James Schrock, Big Sky Mobility             |
| 01:21:21 | Jim Norlander, Thyssen Krupp Elevator       |

Opponents' Testimony:

|          |                                                |
|----------|------------------------------------------------|
| 01:22:01 | Turner Askew, Rocky Mountain Elevator          |
| 01:24:17 | Richard Clark, Clark's Orthopaedic and Medical |
| 01:26:51 | George Boundey, Choteau Adventist Church       |

Informational Testimony:

|          |                                             |
|----------|---------------------------------------------|
| 01:30:06 | Jim Brown, Department of Labor and Industry |
|----------|---------------------------------------------|

Questions from Committee Members and Responses:

01:31:01

Closing by Sponsor:

01:38:42

EXECUTIVE ACTION ON SB 451

Motion/Vote: REP. GALVIN-HALCRO moved that SB 451 BE CONCURRED IN. Motion carried unanimously by voice vote. REP. ROBERTS to carry.

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JIM KEANE**, on March 23, 2005 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Jim Keane, Chairman (D)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Joe McKenney, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Bob Bergren (D)  
Rep. Tim Dowell (D)  
Rep. Kevin T. Furey (D)  
Rep. Dave Gallik (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Harry Klock (R)  
Rep. Mike Milburn (R)  
Rep. Don Roberts (R)  
Rep. Dan Villa (D)

##### **Members Excused:**

Rep. Scott Mendenhall (R)  
Rep. Wayne Stahl (R)  
Rep. Jonathan Windy Boy (D)

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Kyanne Kelly, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 443, 3/16/2005; SB 434,  
3/16/2005; SB 168, 3/16/2005; SB  
286, 3/16/2005; SB 422, 3/16/2005  
Executive Action: SB 443, SB 168, SB 422, SB 286, HB  
772, HB 664, SB 412, SB 354, SB  
217, HJ 23

**HEARING ON SB 443**

**Opening Statement by Sponsor:**

SEN. GLENN ROUSH (D), SD 8, opened the hearing on **SB 443**, Auto insurance premium reductions for certain national guard members.  
00:01:37

**Proponents' Testimony:**

00:05:25 Roger Hagen, National Guard of Montana  
00:07:43 General Roger Mosley, National Guard of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:12:05

**Closing by Sponsor:**

00:13:24

**HEARING ON SB 434**

**Opening Statement by Sponsor:**

SEN. DAVE LEWIS (R), SD 42, opened the hearing on **SB 434**, Revise insurance form filing and approval law.  
00:15:17

**Proponents' Testimony:**

00:18:06 Jacqueline Lenmark, American Insurance Association

**Opponents' Testimony:** None

**Informational Testimony:**

00:19:22 Alisa Pichette, State Auditors Office

REP. STAHL entered the room.

EXECUTIVE ACTION ON SB 412

Motion: REP. GALVIN-HALCRO moved that SB 412 BE CONCURRED IN.

Motion: REP. GALVIN-HALCRO moved that SB 412 BE AMENDED.

Discussion:

02:40:55

EXHIBIT(buh64a07)

Vote: Motion carried unanimously by voice vote.

Motion: REP. GALVIN-HALCRO moved that SB 412 BE CONCURRED IN AS AMENDED.

Discussion:

02:43:44

Vote: Motion carried 12-6 by roll call vote with REP. ARNTZEN, REP. HEINERT, REP. JONES, REP. MCKENNEY, REP. MILBURN, and REP. STAHL voting no. REP. BERGREN to carry.

EXECUTIVE ACTION ON SB 354

Motion: REP. BERGREN moved that SB 354 BE CONCURRED IN.

Discussion:

02:46:23

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON SB 217